

HAYWOOD COUNTY COMMISSIONERS
REGULAR MEETING – APRIL 4, 2011

CALL TO ORDER

Chairman Mark S. Swanger convened the regular meeting of the Haywood County Board of Commissioners at 9:00 a.m. in the Historic Courtroom at the Haywood County Historic Courthouse, Waynesville, North Carolina, with Chairman Mark S. Swanger, Vice-Chairman J.W. “Kirk” Kirkpatrick III, Commissioners Bill Upton, L. Kevin Ensley, and Michael T. Sorrells present. Staff members present were County Manager Marty Stamey, County Attorney Leon M. “Chip” Killian, III, Finance Director Julie Davis, Public Information Officer David Teague and Administrative Assistant Rebecca Morgan.

PLEDGE OF ALLEGIANCE

Chairman Swanger led the pledge of allegiance.

MOMENT OF SILENCE

The Commissioners offered a moment of silence in memory of former Haywood County Commissioner William “Bill” Edwards.

INVOCATION

Commissioner Ensley offered the invocation.

PUBLIC COMMENTS

Chairman Swanger opened the public comment session. Comments are generally limited to three minutes per individual, unless the speaker is representing a group for which the comment period may be extended to five minutes.

Monroe Miller inquired as to the architectural agreement between the owner of the Haywood County Fairgrounds and the contractor B. Allen Construction, for addition of toilet facilities and an accessibility ramps. Mr. Miller requested clarification as to the “owner” of the fairgrounds and the reason that Dale Burris, Facilities and Maintenance Director, is listed as the “owner” representative. Mr. Miller further requested the reason the architect agreement is a valid contract.

County Attorney Killian clarified for the benefit of the Board, that he is Chip Killian and Leon Killian, one and the same. County Attorney Killian read from the proposed Amended and Restated Memorandum of Understanding (MOU), “WHEREAS, the Fairgrounds agrees to execute such legal documents, including but not limited to a Subordination, Non-Disturbance and Attornment Agreement, as is required by the lender of the aforesaid construction funds and as necessary to enable the County to provide a first lien deed of trust to secure such loan.” County Attorney Killian explained that Haywood County owns the real estate. The improvements to the structures were completed by the Fairgrounds Board. The MOU, and such other documents as the bank might require, would be signed in order for the County to provide a first lien.

Bill Gibson stated that because of the increased taxes in Haywood County, he is relocating to another state. Mr. Gibson further stated that no one looked inside his home to determine the value of it.

Chairman Swanger stated that the Board of Equalization and Review would be hearing appeals from citizens.

There being no other public comments, Chairman Swanger closed the public comments session.

CONSTITUENT CONCERNS

Chairman Swanger inquired if there were any constituent concerns. Commissioner Sorrells stated that he received calls from citizens regarding the recent revaluation of property. Commissioner Sorrells shared that some citizens were dissatisfied because their property increased in value and some were dissatisfied because their property decreased in value.

CONSENT AGENDA

Commissioner Sorrells made a motion to approve the consent agenda as presented. Commissioner Upton seconded and the motion carried unanimously.

- Approve March 21st, 2011 Regular Meeting Minutes
- Budget Amendments – Julie Davis, Finance Director
 - Tax Collections - \$20,000 – increase in collections costs with increased delinquent tax collections
 - Legal - \$75,000 – estimated additional legal fees for courthouse litigation. County Attorney Killian noted his law firm is not performing the legal work regarding the courthouse litigation.
 - Facilities & Maintenance - \$40,000 – utilities for Justice Center
- Community Care of North Carolina Agreement (AccessCare) – Carmine Rocco, Health Director.

HAYWOOD COUNTY
BUDGET ORDINANCE AMENDMENT
FISCAL YEAR 2010-2011

PER: _____
JNL: _____

BE IT ORDAINED by the Board of Commissioners of Haywood County that the following amendment be made to the budget ordinance for the fiscal year ending June 30, 2011.

Section 1. To amend the General Fund, the expenditures are to be charged as follows:

Department	Account Number	Current Budget	Increase (Decrease)	Amended Budget
Tax Collections:				
Professional services - other	114140-519900	24,000	20,000	44,000
				-
				-

which will result in a net increase (decrease) of \$ 20,000 in the expenditures of the General Fund.

To provide the additional revenue for the above, the following revenues will be increased as the money has been received:

Revenue	Acct. No.	Current Budget	Increase (Decrease)	Amended Budget
Ad Valorem Taxes				
Taxes - Ad valorem Lev 08	110010-410711	90,981	20,000	110,981
				-
				-
			20,000	

Section 2. Copies of this budget amendment shall be delivered to the Budget Officer and the Finance Officer for their direction.

Adopted this the 4th of April 2011.


Chairman
Haywood County Board of Commissioners

ATTEST:

Clerk to the Board

Explanation:
To appropriate an amount to cover the cost of the collection company percentage charged for collecting past due taxes.

HAYWOOD COUNTY
BUDGET ORDINANCE AMENDMENT
FISCAL YEAR 2010-2011

PER: _____
JNL: _____

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Section 1. To amend the General Fund, the expenditures are to be charged as follows:

Department	Account Number	Current Budget	Increase (Decrease)	Amended Budget
<u>Legal</u>				
Other attorneys-courtouse litigation	114150-519210	95,000	75,000	170,000
Contingency	119910-599100	125,172	(75,000)	50,172

which will result in a net increase (decrease) of \$ _____ in the expenditures of the General Fund.

To provide the additional revenue for the above, the following revenues will be increased as the money has been received:

Revenue	Acct. No.	Current Budget	Increase (Decrease)	Amended Budget
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

Section 2. Copies of this budget amendment shall be delivered to the Budget Officer and the Finance Officer for their direction.

Adopted this the 4th of April 2011.

Mark Swanger
Chairman
Haywood County Board of Commissioners

ATTEST:
[Signature]
Clerk to the Board

Explanation:
To cover current and anticipated invoices for legal services related to the historic courthouse project litigation.

HAYWOOD COUNTY
BUDGET ORDINANCE AMENDMENT
FISCAL YEAR 2010-2011

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Section 1. To amend the General Fund, the expenditures are to be charged as follows:

Department	Account Number	Current Budget	Increase (Decrease)	Amended Budget
<u>Facilities & Maintenance:</u>				
Utilities	114260-533000-42632	27,553	40,000	67,553
Contingency	119910-599100	50,172	(40,000)	10,172

which will result in a net increase (decrease) of \$ _____ in the expenditures of the General Fund.

To provide the additional revenue for the above, the following revenues will be increased as the money has been received:

Revenue	Acct. No.	Current Budget	Increase (Decrease)	Amended Budget
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

Section 2. Copies of this budget amendment shall be delivered to the Budget Officer and the Finance Officer for their direction.

Adopted this the 4th of April 2011.

Mark Swanger
Chairman
Haywood County Board of Commissioners

ATTEST:
[Signature]
Clerk to the Board

Explanation:
To cover current and anticipated invoices for utilities for the Justice Center through June 30.

ADMINISTRATIVE / AGENCY REPORT**Revaluation Report**

David Francis, Tax Administrator, gave a PowerPoint presentation and explained the revaluation in Haywood County. Mr. Francis stated that North Carolina law requires each county to reappraise real property, land, buildings, and other improvements at least every eight years. Commissioner Ensley inquired as to the reason Haywood County does not wait eight years to perform revaluation. Mr. Francis explained that when the County was in a period of significant growth, the Board made a decision to perform revaluation every four years in Haywood County in an effort to keep from seeing a tremendous percentage of change to the value of property. Commissioner Sorrells inquired as to the reason the revaluation originally scheduled for 2010 was postponed until 2011. Mr. Francis explained that Haywood County had many sales during 2005, 2006, and 2007. Because of the recent decline of sales, the Board did not want to use the sales from those three years for the revaluation. Mr. Francis stated that there are 50,000 parcels in Haywood County. Market value is the value the property would typically sell for in the open market. Foreclosure sales are eliminated from being used as part of the revaluation process. Mr. Francis stated that people buying and selling real estate establish market value.

Mr. Francis stated that if the property owner disagrees with the new value, an appeal can be made to the assessor's office in writing by using the appeal form that was mailed with the notices of 2011 property reappraisal, or they may appeal to the Board of Equalization and Review. Then, if the property owner does not agree with the value, they may take their appeal to the North Carolina Property Tax Commissions.

The members of the 2011 Board of Equalization and Review are Mark S. Swanger, Carroll Mease, Evelyn Cooper, Mary Ann Enloe, Wade Francis. Bill Upton will serve as an alternate.

Mr. Francis expressed his appreciation to David Teague, Public Information Officer, for his work on the Haywood County website, www.haywoodnc.net. Mr. Francis shared that property owners may go to the County's website to "maps on line" to review the value of their property as well as surrounding properties.

DISCUSSION / ADJUSTMENT / APPROVAL OF CONSENT AGENDA

Chairman Swanger requested that an item be added to the agenda regarding sponsoring the Arc of Haywood County and the Smoky Mountain 9 Ball Shootout.

OLD BUSINESS**Fairgrounds project loan**

Julie Davis, Finance Director, presented a resolution authorizing the negotiation of an installment financing contract and directing the publication of notice of public hearing for the project for the fairgrounds. Ms. Davis stated that the resolution presented to the Board indicated that the amount of the project was not to exceed \$350,000, but the amount would be corrected since the amount for the project itself is actually \$430,000, and the loan would be for \$350,000. Ms. Davis advised that a public hearing would be held on April 18th, 2011, at 5:30 p.m. regarding the contract and the proposed acquisition and installation of the fairgrounds project.

Commissioner Upton made a motion that the resolution presented be amended and approved. Commissioner Ensley seconded and the motion carried unanimously.

County Attorney Killian presented the amended and restated Memorandum of Understanding (MOU) between Haywood County and the Haywood County Fairgrounds, Inc.

Commissioner Ensley made a motion to approve the MOU between Haywood County and the Haywood County Fairgrounds, Inc. Vice-Chairman Kirkpatrick seconded and the motion carried unanimously.

NEW BUSINESS**Orientation to the Area Agency on Aging (AAA)**

Mary Barker, Administrator, Area Agency on Aging, explained that the Home and Community Care Block Grant (HCCBG) Legislation of 1992 requires the County to appoint a HCCBG Committee and the Older Americans Act of 1965 as amended requires the Area Agency on Aging (AAA) to have a Regional Advisory Committee. The bylaws of the AAA require that these members be appointed by the County Commissioners. Ms. Barker explained that the Long Term Ombudsman was established by an act of the North Carolina General Assembly in 1976 and the appointment of committee members is explained in the legislation. Ms. Barker explained some of the services provided by AAA.

Buyout Property Lease Requests Trantham, Montgomery, Coleman and Stout

Claire Carleton, Recreation Director, presented three leases for personal gardening and one lease for a cash crop. Ms. Carleton stated that thirty of the forty-one acres acquired by the County are leased to the public. County Attorney Killian confirmed he has reviewed the proposed leases.

Vice-Chairman Kirkpatrick made a motion that the property leases contracts as presented be approved. Commissioner Upton seconded and the motion carried unanimously.

Professional Services Agreement for Haywood Comprehensive Bicycle Plan

Claire Carleton, Recreation Director, explained that a group of local cyclist known as Bicycle Haywood NC, took the lead on raising funds to create Haywood County's first comprehensive bicycle plan. Bicycle Haywood NC raised \$51,485 to support the planning project. Cecil Yount, Bicycle Haywood NC, explained that a selection committee reviewed four bicycle plans. Commissioner Sorrells explained that funds for the proposed bicycle plan comes from Federal Highway funds through the Department of Transportation and is funneled to the regional Metropolitan Planning Organization. County Attorney Killian confirmed that he reviewed the professional services agreement.

Commissioner Sorrells made a motion that the agreement as presented be approved. Commissioner Ensley seconded and the motion carried unanimously.

Julie Davis, Finance Director, presented a budget amendment for \$51,485 for Bicycle Trails planning grant – Recreation.

Commissioner Sorrells made a motion that the budget amendment as presented be approved. Commissioner Ensley seconded and the motion carried unanimously.

HAYWOOD COUNTY
BUDGET ORDINANCE AMENDMENT
FISCAL YEAR 2010-2011

PER: _____
JNL: _____

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Section 1. To amend the General Fund, the expenditures are to be charged as follows:

Department	Account Number	Current Budget	Increase (Decrease)	Amended Budget
Recreation:				
Professional Services- Other	11 6120 519900 11BIC	-	50,994	50,994
Miscellaneous-Charges	11 6120 549900 11BIC	-	491	491

which will result in a net increase of \$ 51,485 in the expenditures of the General Fund.

To provide the additional revenue for the above, the following revenues will be increased as the money has been received:

Revenue	Acct. No.	Current Budget	Increase (Decrease)	Amended Budget
Intergovernmental Revenue:				
Recreation	11 0050 481210-11BIC		40,000	40,000
Miscellaneous:				
Recreation contribution/donation	11 0100 461843 11BIC	-	11,485	11,485
			<u>51,485</u>	

Finance Officer for their direction.

Adopted this the 4th day of April 2011.

Mark Swanger
Chairman
Haywood County Board of Commissioners

ATTEST:

[Signature]
Clerk to the Board

Explanation:	
To appropriate the new Haywood County Bicycle Plan Study grant with federal funding of \$40,000 through the French Broad River Metropolitan Planning Organization.	
Other contributors:	
Community Foundation of NC	8,000.00
Local business, individual, club donations	3,485.00
	<u>11,485.00</u>

Resolution Opposing the Loss of County School Construction Dollars and the Shift of State School Funding Responsibilities to Counties

Chairman Swanger presented a resolution opposing the loss of County School construction dollars and the shift of State school funding responsibilities to counties.

Commissioner Upton made a motion that the resolution opposing the unfunded mandates and cost shift to the Counties be approved. Commissioner Ensley seconded and the motion carried unanimously.



RESOLUTION

OPPOSING THE LOSS OF COUNTY SCHOOL CONSTRUCTION DOLLARS AND THE SHIFT OF STATE SCHOOL FUNDING RESPONSIBILITIES TO COUNTIES

WHEREAS, counties in North Carolina are statutorily responsible for providing public school facilities in North Carolina and contribute significant county funds for classroom expenses; and

WHEREAS, counties spend more than \$1.5 billion annually for public school capital needs and \$2.5 billion for public school operating expenses; and

WHEREAS, counties rely on local sales taxes, property taxes, and the county share of lottery funds and the county share of the corporate income tax to help fund public school capital needs and have issued public debt based on these revenue streams; and

WHEREAS, counties have lost more than a quarter billion dollars in lottery and corporate income tax school construction funds over the current biennium; and

WHEREAS, the Governor’s budget proposal permanently eliminates the county share of the corporate income tax and reduces the county lottery share by 75 percent, costing counties more than \$200 million per year in revenues dedicated to public school construction needs; and

WHEREAS, the budget proposal shifts responsibility to pay for replacement school buses (\$56.9 million per year) to counties; and

WHEREAS, the budget proposal also takes the unprecedented step of forcing counties to assume the workers’ compensation costs for state-paid public school employees (\$34.6 million per year) and the community college employees (\$1.7 million per year) and to fund school tort claims (\$4.6 million per year); and

WHEREAS, the budget proposal reflects an overall cost shift to counties of \$345 million in 2011-12 alone, requiring counties to raise property taxes to manage a loss of this magnitude;

NOW, THEREFORE, BE IT RESOLVED that the Haywood County Board of Commissioners opposes the unfunded mandates and the loss of county revenues included in the Governor’s budget proposal; and

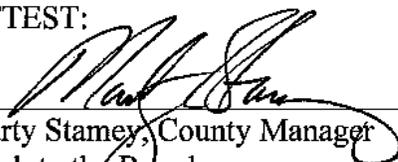
FURTHER BE IT RESOLVED that copies of this resolution be transmitted to the members of the General Assembly to let them know of our opposition to these unprecedented changes in county responsibility and the use of county revenues to balance the state budget.

ADOPTED the 4th day of April, 2011



Mark S. Swanger, Chairman
Haywood County Board of Commissioners

ATTEST:



Marty Stamey, County Manager
Clerk to the Board

Schedule Budget Work Session

Marty Stamey, County Manager, suggested a date be set in order to hold a budget work session. The Board scheduled a work session for April 18th, at 3:00 p.m. The location would be arranged by Mr. Stamey.

ARC Sponsorship for Smoky Mountain 9 Ball Shootout Request

Chairman Swanger explained that sponsorship for the Arc through the annual Smoky Mountain 9 Ball Shootout must be acted upon by April 18th, 2011. For \$100, an advertisement by the Board would be included in the program.

Commissioner Ensley made a motion to suspend the rules to allow a vote on an item that was not on the agenda according to the Board’s procedures. Commissioner Sorrells seconded and the motion carried unanimously.

Commissioner Upton made a motion to approve a \$100 sponsorship to the Arc of Haywood County from the Commissioner’s fund. Commissioner Ensley seconded and the motion carried unanimously.

ADJOURNMENT

Commissioner Sorrells made a motion to adjourn. Commissioner Ensley seconded and the motion carried unanimously.

The time of adjournment was 10:55 a.m. The DVD is attached by reference to the minutes.

CLERK

CHAIRMAN